

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED
'07 JAN 25 P12:01

ANTHONY DeFRANCO,
Plaintiff,

v.

WILLIAM WOLFE, et al.,
Defendants.

CLERK
U.S. DISTRICT COURT

Case No.: 04-230-E
: Magistrate Judge Baxter
: District Judge Cohill
:
:
:

MOTION FOR LEAVE TO SUPPLEMENT THE RECORD

AND NOW, comes plaintiff, Anthony DeFranco, respectfully asking this Honorable Court to allow him to supplement this record for summary judgment and the case as a whole with the attached Exhibit "EE", plaintiff's declaration regarding his psychiatric file, and in support:

1. Plaintiff was permitted to review his psychiatric files through discovery, with the permission of the defendants.
2. While plaintiff was directed to "tab" the portions of his psychiatric files that he wanted and that they would be copied and sent to him, the defendants, after unlawfully reviewing those tabbed files, realized that the information contained in them was overwhelmingly helpful to plaintiff, denied him having physical possession of them.
3. Since that time plaintiff has engaged in litigation in attempts to gain his psychiatric files, but has been denied by the Court without explanation.
4. Through plaintiff's notes, taken shortly after his review of these pertinent files, and his specific recollection, he has drafted a declaration that puts forth some of what those files read.

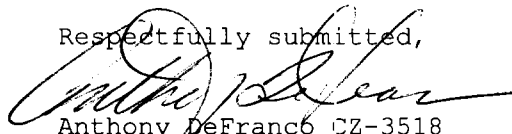
5. This information is *material* to this case and for this Courts consideration, particularly during summary judgment.

6. Based upon the foregoing, plaintiff asks that this Court allow him to supplement the record for summary judgment with his declaration regarding what the psychiatric files stated.

WHEREFORE, based upon the foregoing, plaintiff asks that the attached Exhibit "EE", Declaration of plaintiff, leave be granted to allow its supplementation of this record for summary judgment.

Date: January 21, 2007

Respectfully submitted,



Anthony DeFranco CZ-3518
10745 Route 18
Albion, Pa. 16475-0002

Certificate of Service

Service was made by U.S.
First Class Mail, this date,
To the Attorney General's Office

EXHIBIT “EE”

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,	:	
Petitioner,	:	
V.	:	No. 04-230-E
	:	Magistrate Judge Baxter
WILLIAM WOLFE, et al.,	:	District Judge Maurice Cohill, Jr.
Defendants.	:	

DECLARATION OF ANTHONY DeFRANCO'S MEDICAL FILES

I, Anthony DeFranco, make the following Declaration in regards to my viewing of my medical files in April 2006, that were presented for my review, and make the following based upon my notes and recollection, based upon the best of my knowledge, recollection and belief; subject to the penalty of perjury:

Chronologically:

1. In or around 1990, a psychiatrist I was seeing had written notes about me, stating that I had an Adjustment Disorder, Anxiety and Anger issues. In those notes it was indicated that I should be housed alone.

2. Through the 1990's I was seen by a number of different psychiatrists who gave diagnoses that I had mental health issues that were serious and required medications. One of them was a female. The psychiatrists at SCI Pittsburgh had me place on the single cell Unit known as E-Unit (North Block).

3. In the 1990's, one of the psychiatrists at Pittsburgh made notation that I should not be housed with another person. While I do not recall this specific doctor using the words "Z Code", they did reference "housed alone".

The psychiatrists at Pittsburgh were concerned about my mental health and that it would be dangerous to place another person in a cell with me. It was noted in my files.

4. There were doctors' records in my file dating back to at least the 1980's referencing serious mental health problems.

5. While at SCI Albion, there were doctors' notes by Dr. Lindemuth and others that referred to serious mental health disorders. These notes specifically referenced a medical need to be Z Code. The Notes written referenced Schizophrenia, Delusional Disorder and others. Some of the diagnoses referred to me as being delusional and having hallucinations.

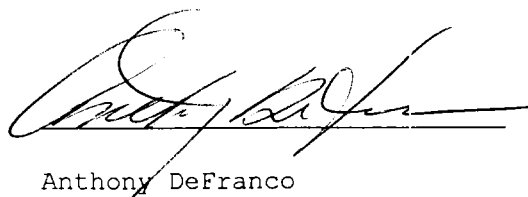
6. When transferred to SCI Smithfield, a Dr. Bauer made notes that I required Z Code status and that I suffered from severe paranoia. These notes, as stated above, stated my Z Code requirement and that I should not be double celled.

This Declaration is made to the best of my recollection and belief, from the files I was permitted to review in April 2006.

Signed pursuant to 28 USC §1746.

Date:

1/21/07

A handwritten signature in black ink, appearing to read 'Anthony DeFranco', written over a horizontal line.

Anthony DeFranco